IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH APRIL 2007 / 30TH CHAITHRA 1929

Bail Appl..No. 2197 of 2007()

CRIME NO.51 OF 2007 OF POTHANCODE POLICE STATION.

PETITIONER/3RD ACCUSED

RAJANIKANTH, S/O. ANANDAN,
PANNICHAVILA VEEDU, SASTHAVATTOM,
KATTAYILKONAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENT/ STATE :

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV. SMT. K.L. LAKSHMI RANI.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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B.A. No. 2197 OF 2007

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Dated this the 20th April, 2007

O R D E R

This is an application under section 438 Code of Criminal Procedure for anticipatory bail, filed by the third accused in Crime No. 51 of 2007 of Pothancode Police Station. There are altogether five accused involved in the case. The offence alleged against the accused are under sections 147, 148, 149, 307 I.P.C. read with section 27 of the Arms Act.

2. Learned Public Prosecutor submits that none of the accused was arrested as they are not available. In the nature of the injuries sustained by the victim and also taking into account the nature of the offence, I am of the view that this is not a case where an order under section 438 of the Code of Criminal Procedure can be passed. It is submitted by the Public Prosecutor that the weapon (sword) which is alleged to have used for the offence was not recovered.

In the above said circumstances, I am not inclined to allow this application and it is dismissed.

K.T. SANKARAN,
JUDGE.

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